



**Written Comments of Just Democracy Illinois
Regarding the Implementation of Public Act 100-46, Automatic Voter Registration
November 20, 2017**

Chairperson Cadigan, Vice Chairperson Keith, members of the Board, Executive Director Sandvoss, and staff, thank you for the opportunity to submit written testimony regarding the implementation of Public Act 100-46, Automatic Voter Registration.

Just Democracy Illinois is a broad-based and diverse coalition that works to protect and promote the value of a single vote, no matter the geographic, racial, ethnic, or party affiliation of the voter. The Just Democracy Illinois steering committee includes Asian Americans Advancing Justice - Chicago, CHANGE Illinois, Chicago Lawyers' Committee for Civil Rights, Chicago Votes, Common Cause Illinois, Illinois Coalition for Immigrant & Refugee Rights, and Illinois Public Interest Research Group. Our campaign for Automatic Voter Registration was endorsed by a diverse collection of over 65 organizations from around Illinois.

We appreciate the opportunity to provide written and oral comment and to work on an ongoing basis with the staff of the Illinois State Board of Elections ("State Board") and other state agencies responsible for the implementation of automatic voter registration. The members of our coalition played a critical role in crafting and passing Illinois Public Act 100-46 ("the AVR statute"), and we are proud of the universal bipartisan support that the legislation earned. That level of support was only possible through ongoing conversations and negotiations with stakeholders such as the State Board, and it is our hope that this spirit of collaboration and problem-solving will continue as Illinois completes implementation in a strong, timely, and community-centered manner.

Our comments are organized into five sections: Community Engagement and Education, User Experience, Security and Accuracy of Data, Best Practices, and Timeliness. We are happy to discuss our recommendations in any of these areas in more detail, refer agency staff to additional resources, and facilitate conversations with technical experts and agency staff in other states to make the implementation process a success.

Once again, we thank you for your consideration.

Community Engagement and Education

Just as the legislation was improved through various stakeholders' feedback and guidance, we believe that the implementation of automatic voter registration will be improved through the input and guidance of community members, organizations, and other stakeholders, including local election officials.

We are encouraged that the State Board plans to hold additional hearings after the March 2018 primary elections. We urge the State Board to choose locations and times that make it feasible for community members to participate, including those who have been historically excluded from our voting systems. Our coalition is willing to co-host hearings and convenings and help spread the word about these opportunities for community engagement. We also encourage the State Board to schedule and announce the dates of these hearings far enough in advance so as to maximize the opportunities for participation. Additionally, we request the State Board, local election authorities, and other government partners to proactively disseminate information about such events to media and community contacts.

While we believe that ongoing opportunities for meaningful community engagement are valuable to all aspects of implementation, we especially encourage implementing agencies to prioritize community input when making decisions about community education, informational signs in agencies, and the user experience of the voter registration process at agencies.

Civil rights, community, and government reform organizations have access to and have earned the trust of a diversity of communities across Illinois. We can help state agencies effectively educate the public about the new law and what it means to those communities.

User Experience

Automatic voter registration is a subtle but important shift in how the opportunity to register to vote, or update one's voter registration, is presented to eligible voters. This shift, if implemented correctly, should make our voter lists more complete, accurate, and secure.

As the State Board knows, some voter registration applications will remain "opt-in" while others will become "opt-out," based on the availability of reliable citizenship information for every applicant in the underlying application process. In practice, a key distinction between the two types of interactions is the signature to affirm eligibility. For opt-out applications, the signature to complete the underlying application will simultaneously serve as the affirmation of voter eligibility, unless the application opts out. For opt-in applications, the applicant will be prompted to provide a second, separate signature affirming that they meet the eligibility requirements.

The main goal of the AVR statute is for Illinois to have a more complete and accurate voter list. To meet this goal, the application process should maximize new voter registrations and voter registration updates, while providing applicants with clear opportunities to opt out if they choose to do so.

We recommend that implementing agencies test prototypes and drafts of the potential written prompts and visual layouts that would be presented to applicants. Testing with a diverse set of stakeholders will be critical, including representatives of language minority communities. An iterative testing program will result in a better outcome for the state agencies and applicants. This process need not take long, and organizations such as the Center for Civic Design are available to serve as a resource to Illinois implementing agencies in such an iterative testing program.

Security and Accuracy of Data

The State Board of Elections is responsible for facilitating the secure electronic transfer of voter registration applications from state agencies to local election officials. This aspect of the AVR statute will be important to implement well. If the State Board would like assistance from technical experts who have implemented AVR in other parts of the country, we would be glad to facilitate conversations with such individuals and institutions. We also offer initial comments on the collection, analysis, and sharing of data by state agencies.

First, it is of utmost importance that agencies reduce and prevent the potential for the inadvertent registration of non-citizens. A set of data, including a record of the documentary evidence of citizenship status that applicants produce to complete the underlying service application, should be reviewable by software to remove any applicant who has documented they are not a citizen. All our community organizations, state agencies, and stakeholders agree that this aspect of the AVR statute must be implemented well. This is of critical importance to the integrity of our voting system and to our community members who are non-citizens, who could face severe consequences due to inadvertent registration.

It should be noted that if the underlying service application process does not otherwise ask for documentary evidence of citizenship status, the process should not now ask for evidence citizenship status just because of the AVR statute. However, if citizenship status data is already available for at least some applications, software should be used to review the available data. And robust privacy and security safeguards must be instituted for all this data, to keep the personal data of Illinois residents safe and secure and to avoid deterring immigrant community members and others from seeking necessary public services.

Similar steps should be taken, using all available data, to protect the privacy of individuals with special reasons to keep their address private, such as domestic violence victims with orders of protection and individuals in witness protection programs.

State agencies should not send the State Board of Elections the record of documentation applicants produce to complete the underlying service application. Local election officials do not need this data to complete the registration process. It is a bad practice to share sensitive personal information among state agencies when not necessary.

Best Practices For Other State Agencies

Beyond Driver Services at the Secretary of State's office, other state agencies are covered by the AVR statute as well. Some of these agencies are covered under Section 7 of the National Voter Registration Act (NVRA), while others are not. In Illinois, as in many states, the registration rate at motor vehicle facilities is much higher than at other state agencies. It is our hope that we can learn from other states that have a good track record of voter registration success at public assistance agencies – and use the implementation of automatic voter registration as an opportunity to implement best practices.

Illinois lags behind the country and region in terms of voter participation by young voters and voters of color. Strong implementation of the AVR statute has the potential to help close these disparities, as we are one of the first states in the nation whose AVR statute includes social service and public assistance agencies, not just driver's license agencies. There is an important opportunity here for election authorities and other state agencies to reach communities who have previously been excluded from our voting systems, even if this exclusion was inadvertent. It will be crucial to solicit and incorporate input from these communities throughout AVR implementation in order for voter registration access at all AVR agencies to be strong.

The United States Elections Assistance Commission (EAC) compiles data on the percentage of overall voter registrations that come from public assistance agencies. This data is not exhaustive and more details about these and other states' NVRA implementation are needed, but a good next step would be to initiate conversations with agency staff of other key states to learn what steps they have taken to implement the NVRA at public assistance agencies.

According to 2014-2016 data from the EAC, the states with the highest percentage of registration coming from public assistance agencies include Mississippi (11%), Alabama (8.5%), Montana (7.4%), Oklahoma (7.4%), and Tennessee (7.1%). This compares to Illinois at 3%. There remains great potential for all our states, especially Illinois, to meaningfully increase voter registration at public assistance agencies.

Recommendations to improve agency registration include:

- Regularly soliciting and incorporating input from community members who interface with these agencies, including communities of color, about topics such as service applications, interactions with agency personnel, and other issues critical to the success of successful AVR implementation at agencies;
- Assigning a voter registration coordinator for each agency and a coordinator for each local office;
- Ensuring that proper training is taking place; and
- Requiring a comprehensive oversight system for compliance.

Timeliness

Finally, we strongly encourage implementing agencies to meet the implementation deadlines mandated by the AVR statute, starting with the July 1, 2018 deadline.

We appreciate the great challenges that state agencies face, especially given the lack of a state budget for several years.

That said, this public act was passed with universal bipartisan legislative support and with the support of dozens of organizations and tens of thousands of supporters who expect the law to be implemented well and on time. That level of enthusiastic support is a *resource* for implementing agencies and can be called upon to overcome the inevitable obstacles that will arise in the implementation process.

Whether it is technical expertise, advice from agency staff in other states, or advocacy for the monetary resources that agencies need to complete implementation well and on time, Just Democracy Illinois is prepared to help.

Conclusion

Again, we appreciate the opportunity to submit written comment today. We look forward to ongoing communication and collaboration and the successful implementation of automatic voter registration.